

**Court of Appeals, State of Michigan**

**ORDER**

Ernest Kirk v Timothy LaRiviere

Docket No. 268336

LC No. 00-510073-CK

Brian K. Zahra  
Presiding Judge

Helene N. White

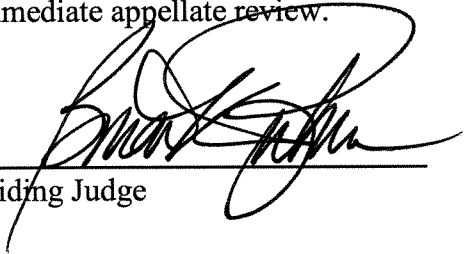
Kurtis T. Wilder  
Judges

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The Court orders that the motion to dismiss is GRANTED. The appeal is DISMISSED as moot. By accepting payment of the purchase price for his interest in the companies and property and executing the release that did not expressly reserve the challenge to the property transfer, plaintiff-appellant waived the right to seek appellate review of the property transfer. See *Wolhfert v Kresge*, 120 Mich App 178; 327 NW2d 427 (1982) and *Becker v Halliday*, 218 Mich App 576, 579-580; 554 NW2d 67 (1996).

The Court further orders that the motion for damages under MCR 7.216(C) is DENIED.

White, J. would DENY for failure to persuade of the need for immediate appellate review.

  
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Presiding Judge



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**DEC. 20 2006**

\_\_\_\_\_  
Date

  
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Chief Clerk